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Security Council Committee established pursuant to resolution 1540 (2004)

Letter dated 22 November 2004 from the Permanent Representative of the former Yugoslav Republic of Macedonia to the United Nations addressed to the Chairman of the Committee

I have the honour to enclose herewith the report of the Republic of Macedonia to the Security Council Committee established pursuant to operative paragraph 4 of Security Council resolution 1540 (2004) (see annex).

(*Signed*) Igor Dzundev
Ambassador
Permanent Representative

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Annex to the letter dated 22 November 2004 from the Permanent Representative of the former Yugoslav Republic of Macedonia to the United Nations addressed to the Chairman of the Committee

First report of the Republic of Macedonia to the Security Council Committee established pursuant to operative paragraph 4 of Security Council resolution 1540 (2004)

The Republic of Macedonia welcomed and supported the unanimous adoption of the SC resolution 1540 (2004) of 28 April 2004, which complements and strengthens the existing international instruments and regimes against proliferation of nuclear, chemical and biological weapons and in particular, improves the capacity of the international community to fight illicit trafficking in nuclear, chemical, or biological weapons and their means of delivery and related materials. Macedonia shares the deep concern that one of the most serious threats to the international peace and security nowadays is the risk that non-State actors may acquire, develop, traffic in or use nuclear, chemical and biological weapons and their means of delivery for terrorist purposes.

Immediately after the adoption of the resolution 1540 (2004), all the relevant authorities in the Republic of Macedonia have been duly informed of the resolution and of the need to fully comply with the provisions contained therein, including the requirement to report to the Security Council Committee established pursuant to the resolution 1540 (2004) on steps taken or intended to be taken to implement the resolution.

With regard to operative paragraph 1 of the resolution:

The Republic of Macedonia does not provide any form of support to non-State actors that attempt to develop, acquire, manufacture, possess, transport, transfer or use nuclear, chemical or biological weapons and their delivery and makes efforts on national, sub-regional, regional and international level to prevent any such attempts. The country cooperates with the SC Committees established under SC resolution 1267 (1999) and SC resolution 1373 (2001) with regard to the non-State actors identified in the lists and updates maintained by the 1267 Committee.

With regard to operative paragraphs 2 and 3 of the resolution:

The Government of the Republic of Macedonia is reviewing and assessing its capacity, domestic legislation and practices to enforce effective measures to establish domestic control to prevent the proliferation of WMD including in cases where non-State actors are involved. Inter-ministerial consultations on this matter are in progress, with a view to introducing additional measures, where necessary.

The Republic of Macedonia has undertaken binding legal obligations under the following main international instruments against proliferation of WMD to which is a State party:

- Comprehensive Test Ban Treaty (CTBT);
- Treaty on Non-Proliferation of Nuclear Weapons (NPT);
- Convention on Prohibition of Development, Manufacturing, Stockpiling and Use of Chemical Weapons and on their Destruction (CWC);
- Convention on Prohibition of Development, Manufacturing and Stockpiling of Bacteriological (Biological) Weapons and on their Destruction (BTWC);

Macedonia is a Subscribing State to the Hague Code of Conduct against Ballistic Missile Proliferation (HCOC).

On 20 June 2003, the Government of the Republic of Macedonia declared its unilateral adherence to the Equipment, Software and Technology Annex and Guidelines for Sensitive Missile Relevant Transfers of the Missile Technology Control Regime (MTCR). A new legislation on non-proliferation of WMD and on effective control of dual use technology is in process of being developed, in accordance with the EU control list (Council regulation no. 1334/2000 and amending regulations no. 149/2003, 885/2004 and 1504/2004). The Ministry of Economy has prepared a draft-Law on Export Control of Dual-Use Goods and Technology, soon to enter into governmental and parliamentary procedure for adoption.

In May 2004 the Government expressed and notified its political commitment to the Director-General of the IAEA to work toward following the guidance contained in the IAEA Code of Conduct on the Safety and Security of Radioactive Sources. Macedonia is a participant in the IAEA Model Project to Upgrade National Radiation Protection Infrastructures.

In 2002, the Republic of Macedonia concluded Safeguard Agreement with the IAEA. By the end of 2004 the Ministry of Foreign Affairs will initiate a procedure for signing of IAEA Additional Protocol to Safeguard Agreement aimed at increased access and inspections rights of the IAEA to eventual suspected nuclear sites (planned to be finalized in the second part of 2005).

The country is a party to the Vienna Convention on Civil Liability for Nuclear Damage, Convention on Early Notification of a Nuclear Accidents, and Convention on Assistance in Case of a Nuclear Accident or Radiological Emergency.

The Government has expressed political support for the new Proliferation Security Initiative (PSI), and all competent authorities are currently evaluating the present institutional framework and capacities and are identifying potential problems and weaknesses for implementation of PSI Interdiction Principles.

The Republic of Macedonia is a party to 10 out of 12 UN sectorial conventions on fight against terrorism. In that respect, as a party to the UN Convention on Physical Protection of Nuclear Materials, the country has accepted, inter alia, the obligation to effectively protect nuclear materials used, stockpiled or transported for peaceful purposes, and to prevent import, export or transit provided there are no guarantees that such nuclear materials are protected in accordance with the levels specified in Annex 1 of the Convention. The country's obligations under the UN Convention for the Suppression of the Financing of Terrorism (ratified on 16 June

2004) are implemented through the newly adopted Law on Prevention of Money Laundering and other Proceeds from Crime" ("Official Gazette of the Republic of Macedonia" No. 46/04")

The following domestic legislation and other regulations contain provisions relevant for fulfilling international obligations of the Republic of Macedonia with regard to measures to control nuclear materials:

- Law on Protection of Ionizing Emission and Radiation Safety ("Official Gazette of the Republic of Macedonia" No. 48/02");
- Trade Law ("Official Gazette of the Republic of Macedonia" No. 16/04");
- Law on Transportation of Dangerous Materials ("Official Gazette of the SFRY" No. 27/90 and 45/90" and "Official Gazette of the Republic of Macedonia" No. 12/93")
- Rules of Conduct for Transportation of Dangerous Materials in Road Traffic ("Official Gazette of the Republic of Macedonia" No. 12/93 and 31/93")
- Customs Law ("Official Gazette of the Republic of Macedonia" No.46/04") and
- Decision on Sorting of Goods on Forms of Export and Import ("Official Gazette of the Republic of Macedonia" No. 58/04")

Aiming to prevent development, acquiring, manufacturing and possession, transportation, transfer and use of chemical, biological and nuclear weapons, in March 2004 the National Assembly adopted amendments to the Criminal Code (Official Gazette of the Republic of Macedonia No. 19/04) thus incriminating (Article 407-b) "misuse of chemical or biological weapons" as a crime against humanity and international law. In that connection, the abovementioned new Customs Law in accordance with the newly amended Law on Criminal Procedure ("Official Gazette of the Republic of Macedonia" No. 74/04") expands the competences of the customs officers in conducting special investigative measures in suspected criminal cases involving exporting/importing goods.

According to the abovementioned new Trade Law (Article 34) licenses for export/import of weapons and military equipment (including dual-use goods and technology) are issued by the Ministry of Defense or Ministry of Interior (the latter issues licenses only for light weapons and explosives for commercial purposes). The Ministry of Economy keeps and updates a Register of companies licensed to trade (including export/import) in weapons and military equipment.

Progress has been made in implementation of the CWC on national level. The national Inter-Ministerial Body in charge with overseeing implementation of the State obligations under the CWC, coordinated by the Ministry of Foreign Affairs and the Ministry of Health, has been tasked with preparing draft-law regulating in greater details national implementation of the CWC, expected to be adopted in the coming year 2005. Also, the development of national operative plan on serving eventual OPCW inspections is in progress.

In May 2004 the Government began with the implementation of the national Strategy for Integrated Border Management, aimed at creating Border Police to take over the duty of securing and controlling state borders from the Army, as well as providing

technical, human and other resources for effective and sustained border management, in line with the EU standards.

With regard to operative paragraphs 8, 9 and 10 of the resolution, the Republic of Macedonia supports, in various forums and on various levels, the international efforts for universal adoption and strengthening of multilateral treaties and their implementation to prevent the proliferation of WMD. The Republic of Macedonia is making efforts toward adoption, where considered necessary for effective implementation of its obligations under the key multilateral non-proliferation treaties, of additional national rules and regulations; and is committed to contribute to the promotion of multilateral cooperation and dialogue on non-proliferation of WMD.